

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 19-4452 WJ

RODYMAR LELIS,

Defendant,

**ORDER GRANTING CONTINUANCE OF TRIAL  
AND PRETRIAL DEADLINES AND SETTING MOTIONS HEARING**

**THIS MATTER** is before the Court on Defendant's Unopposed Motion to Continue filed January 27, 2020 (Doc. 20). The Court having considered the motion and having considered the holding in *United States v. Toombs*, 574 F.3d 1262 (10<sup>th</sup> Cir. 2009), finds that the Defendant has by his motion, created a sufficient record to justify granting the motion to continue. See id., 574 F.3d at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time). Additionally, the Court finds that further, pursuant to the relevant factors under 18 U.S.C. §3161(h)(7)(B)(i-iv), defense counsel requires additional time to review discovery, research relevant legal issues, continue investigations, and confer with his client. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purposes of the Speedy Trial Act.

**IT IS THEREFORE ORDERED** that the Jury Selection/Trial of February 10, 2020 is VACATED. Call of the Calendar is reset for **April 29, 2020, at 3:00 p.m.** and Jury Selection/Trial is reset for **May 4, 2020, at 9:00 a.m.**, on a trailing docket at the United States Courthouse, 333 Lomas Blvd., NW, Cimarron Courtroom, before Judge William P. Johnson in


Albuquerque, NM.

**IT IS FURTHER ORDERED** that the substantive motion deadline is hereby extended until **March 23, 2020**.

**IT IS FURTHER ORDERED** that, so as to conserve judicial resources, any motion to continue trial must be filed no later than **April 20, 2020**.

**IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

**IT IS FINALLY ORDERED** that counsel shall adhere to the instructions and case management deadlines as set forth in the following attachment, "Preparation for Criminal Trial" (includes guidelines for preparation of proposed jury instructions, JERS Informational Letter, and JERS Attorney Guide).

A handwritten signature in black ink, appearing to read 'William P. Johnson', is written over a horizontal line.

WILLIAM P. JOHNSON  
CHIEF UNITED STATES DISTRICT JUDGE

**PLEASE REFER TO THE FOLLOWING  
ATTACHMENTS FOR ADDITIONAL DEADLINES AND INFORMATION:**

“Preparation for Criminal Trial” (includes guidelines for preparation of proposed jury instructions, JERS Informational Letter, and JERS Attorney Guide).

**OTHER INSTRUCTIONS/MOTION TO CONTINUE TRIAL DEADLINE:**

**Motions for continuance in criminal cases must be filed in accordance with 18 U.S.C. § 3161(h)(7)(A), specifically setting forth the factual grounds justifying the continuance under the statute. In cases involving multiple defendants, counsel must file a joint motion for continuance with all counsel approving said motion. MOTIONS TO CONTINUE MUST COMPLY WITH THE SPECIFIC REQUIREMENTS SET FORTH IN *UNITED STATES V. TOOMBS*, 574 F.3D 1262 (10TH CIR. 2009). THE MOTION “MUST CONTAIN AN EXPLANATION OF WHY THE MERE OCCURRENCE OF THE EVENT IDENTIFIED BY THE PARTY AS NECESSITATING THE CONTINUANCE RESULTS IN THE NEED FOR ADDITIONAL TIME.” *ID.* AT 1271. MOTIONS CONTAINING SHORT, CONCLUSORY STATEMENTS REGARDING THE REASON A CONTINUANCE IS REQUESTED ARE INSUFFICIENT UNDER *TOOMBS* AND WILL BE SUMMARILY DENIED BY THE COURT.**

**TRAILING TRIAL DOCKET:**

Counsel are referred to the trailing docket of cases as they appear for jury/selection trial on the Public Court Calendar for May 4, 2020. The order in which cases appear on the Court Calendar does not necessarily reflect the order in which cases will be tried.